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In re Application of :  
Long :  
Application No.: 10/507,146 :  
PCT No.: PCT/US02/25217 :  
Int. Filing Date: 07 August 2002 : DECISION  
Priority Date: 08 August 2001 :  
Attorney Docket No.: 100750.0001US :  
For: Introduction Of Cyanide Waste As A NOx Reactant :

This is in response to the petition under 37 CFR 1.137(b) filed 08 September 2004.

### **BACKGROUND**

This international application was filed on 07 August 2002, claimed an earliest priority date of 08 August 2001, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 20 February 2003. The 30 month time period for paying the basic national fee in the United States expired at midnight on 08 February 2004. This international application became abandoned with respect to the United States for failure to timely pay the requisite basic national fee.

### **DISCUSSION**

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the required reply (in the form of the basic national fee) has not been paid. It is noted that the petition references a "fee payment," but no evidence of such payment is present. The accompanying Transmittal Letter requests that the USPTO "Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above," but no reference to a specific deposit account or other source of funds is made.

Regarding requirement (2), the petition fee has not been paid (cf. discussion of element 1).

Regarding requirement (3), the petition includes an appropriate statement.

Regarding requirement (4), no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.

**DECISION**

The petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice.

Any further correspondence regarding this matter should be addressed to the Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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